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9 IN THE UNITED STATES DISTRICT COURT

10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 ROBERT POOLEY,

15 Defendant.

16 CASE NO. 2:21-CR-111 WBS

17 STIPULATION REGARDING EXCLUDABLE
18 TIME PERIODS UNDER SPEEDY TRIAL ACT;
19 [PROPOSED] FINDINGS AND ORDER

20 DATE: February 13, 2023

21 TIME: 9:00 a.m.

22 COURT: Hon. William B. Shubb

23

24 STIPULATION

25 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
26 through defendant's counsel of record, hereby stipulate as follows:

27 1. This matter was before the Court for a status conference on February 13, 2023.

28 2. At the hearing, the matter was set for trial on February 6, 2024 and the Court excluded
time pursuant to the Speedy Trial Act and Local Code T4. By this stipulation, the defendant now
memorializes in writings his motion to exclude time between February 13, 2023, and February 6, 2024,
under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) The discovery associated with this case includes approximately 20,000 Bates-
stamped pages of documents, as well as additional discovery amounting to more than 6 terabytes
made available to the defense. All of this discovery has been either produced directly to counsel

1 and/or made available for inspection and copying.

2 b) Counsel for defendant has reviewed the discovery and is continuing to review and
3 prepare for trial in collaboration with her paralegal and client. This week, she will inspect hard
4 copy discovery material at the U.S. Attorney's Office. In anticipation of trial, a co-counsel will
5 be assigned to the case as well and this person will require additional time to review the
6 discovery as set forth at section 3(a), *supra*.

7 c) Counsel for defendant desires additional time to consult with her client, to review
8 the current charges, to conduct investigation and research related to the charges, to review and
9 copy discovery for this matter, and to permit her anticipated co-counsel to review discovery.
10 Counsel for defendant desires additional time to discuss potential resolutions with her client, and
11 to otherwise prepare for trial.

12 d) Counsel for defendant believes that failure to grant the above-requested
13 continuance would deny her the reasonable time necessary for effective preparation, taking into
14 account the exercise of due diligence.

15 e) Based on the above-stated findings, the ends of justice served by continuing the
16 case as requested outweigh the interest of the public and the defendant in a trial within the
17 original date prescribed by the Speedy Trial Act.

18 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
19 et seq., within which trial must commence, the time period of February 13, 2023 to February 6,
20 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
21 T4] because it results from a continuance granted by the Court at defendant's request on the basis
22 of the Court's finding that the ends of justice served by taking such action outweigh the best
23 interest of the public and the defendant in a speedy trial.

1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
3 must commence.

4 IT IS SO STIPULATED.

5
6 Dated: February 13, 2023

7 PHILLIP A. TALBERT
United States Attorney

8 _____
9 /s/ KATHERINE T. LYDON
10 KATHERINE T. LYDON
Assistant United States Attorney

11 Dated: February 13, 2023

12 _____
13 /s/ HANNAH LABAREE
14 HANNAH LABAREE
15 Counsel for Defendant
16 ROBERT POOLEY

17 **[PROPOSED] ORDER**

18 IT IS SO FOUND AND ORDERED this ____ day of _____, _____.
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20 _____
21 THE HONORABLE William B. Shubb
22 UNITED STATES DISTRICT JUDGE
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